

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

CHAPTER 41

AGING SERVICES

Subchapter 1

Area Agencies on Aging

Rule	37.41.101	Purpose
	37.41.102	Definitions
		Rules 03 through 06 reserved
	37.41.107	Designation of Planning and Service Areas
	37.41.108	Designation of Area Agencies
	37.41.109	Division Hearing Procedures
	37.41.110	Functions of Area Agency
		Rules 11 through 15 reserved

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

Rule	37.41.116	Area Agency Advisory Council
	37.41.117	Area Plan Content
	37.41.118	Area Plan Review
	37.41.119	Area Plan, Approval/Disapproval
	37.41.120	Area Plan, Amendment/Development
	37.41.121	Direct Provision of Services by an Area Agency
	37.41.122	Area Agency, Funds Termination
		Rules 23 through 29 reserved

AGING SERVICES

Rule	37.41.130	Service Continuation by Division
	37.41.131	Contributions for Services
	37.41.132	Provision of Congregate Nutrition Services
	37.41.133	Food Distribution Ratios
		Subchapter 2 reserved

NEXT PAGE IS 37-9277

AGING SERVICES

Subchapter 3

Nutrition Services

Rule	37.41.301	Nutrition Services, Eligibility
	37.41.302	Nutrition Services, Definitions
		Rules 03 through 05 reserved
	37.41.306	Nutrition Services, Food Requirements
	37.41.307	Nutrition Services, General Provider Requirements
	37.41.308	Congregate Nutrition Services, Provider Requirements
		Rules 09 through 14 reserved
	37.41.315	Home Delivered Nutrition Services, Provider Requirements

NEXT PAGE IS 37-9283

Subchapter 1

Area Agencies on Aging

37.41.101 PURPOSE (1) The purpose of the aging bureau of the senior long term care division is to develop and administer the state plan; coordinate all activities in the state relating to the purposes of the act; serve as the advocate for all older persons in the state; direct area agencies and service providers in the development of comprehensive and coordinated service delivery systems throughout the state. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1094, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.102 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Act" means the Older Americans Act of 1965, as amended.

(2) "Administration on aging" means the agency established in the office of the secretary, department of health and human services, as part of the office of human development services which is responsible for administering the provisions of the act and whose address is North Building, 330 Independence Avenue, Southwest, Washington, D.C. 20201.

(3) "Federal department" means the department of health and human services.

(4) "Department" means the department of public health and human services.

(5) "Division" means the senior long term care division of the department of public health and human services.

(6) "Commissioner" means the commissioner on aging of the administration on aging.

(7) "Area agency" means the agency designated by the division in a planning and service area to develop and administer an area plan for a comprehensive and coordinated system of services for older persons.

(8) "Community focal point" means a place or mobile unit in a community or neighborhood designated by an area agency for the collocation and coordination of services to older persons.

(9) "Comprehensive and coordinated system" means a program of interrelated social and nutrition services designed to meet the needs of older persons in a planning and service area.

(10) "Indian tribal organization" means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned or chartered by the governing body.

DEPARTMENT OF PUBLIC HEALTH
AND HUMAN SERVICES

(11) "Indian tribe" means any tribe, band, nation or other organized group or community of Indians which is recognized as eligible for the special programs and services provided by the federal government to Indians because of their status as Indians.

(12) "Manual" means the state manual of policy and procedures for operations of programs under the Older Americans Act for the division.

(13) "Multipurpose senior center" means a community or neighborhood facility for the organization and provision of facilities for recreational and group activities for older persons and services including, but not limited to, health, social, nutritional, and educational services.

(14) "Planning and service area" means the geographic area served by an area agency.

(15) "Nonprofit organization" means a corporation organized under Title 35, chapter 2, MCA, in which no part of its income or profit is distributable to its members, directors, or officers.

(16) "Older person" means any person 60 years old or older.

(17) "Service provider" means an individual, agency, or organization awarded a subgrant or contract from the division or an area agency to provide services under the state plan or an area plan.

(18) "Federal fiscal year" means the period beginning October 1 of one year and ending September 30 of the next year.

(19) "State fiscal year" means the period beginning July 1 of one year and ending June 30 of the next year.

(20) "State plan" means the document submitted by the division to the administration on aging in order to receive grants from the state's allotments under the act.

(21) "Units of general purpose local government" include, but are not limited to, counties and incorporated cities and towns and other government units as may be established by law pursuant to Title 7, chapters 1, 2, and 3, MCA.

(22) "Area plan" means the document submitted by an area agency to the division in order to receive subgrants or contracts from the division's grants under the act.

(23) "Supportive services" means:

(a) access services such as:

(i) transporting older persons to and from community facilities and resources;

(ii) escorting older persons unable to use conventional means of transportation;

(iii) outreach to identify hard-to-reach older persons and assist them in obtaining services; and

(iv) informing older persons of the opportunities and services available and referring them to the proper service provider.

(b) community services such as education, information and referral, health, legal, advocacy, program development, counseling, health screening, residential repair and renovation, recreation and alteration, renovation, acquisition and construction of multipurpose senior centers;

(c) home services such as home health, homemaker, home chore; and

(d) services in care providing facilities such as placement, counseling, complaint and grievance resolution.

(24) "Nutrition services" means congregate and home delivered meals, nutrition education and shopping assistance.

(25) "Entity" means an individual, person or organization.

(26) "MCA" means the Montana Code Annotated.

(27) "District" means one of the multi-county districts established by Executive Order 2-71 and Executive Order 7-73. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-601, MCA; NEW, 1980 MAR p. 1094, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Rules 03 through 06 reserved

37.41.107 DESIGNATION OF PLANNING AND SERVICE AREAS

(1) The division may designate as a planning and service area:

- (a) any unit of general purpose local government;
- (b) any district or combination of districts; or
- (c) any Indian reservation.

(2) The designation of planning and service areas by the division will be governed by the following criteria:

(a) Planning and service areas will be designated every 4 years beginning October 1, 1987.

(b) There will be no more than 12 planning and service areas designated in each 4 year period.

(c) There will be no less than 7 planning and service areas designated in each 4 year period.

(d) The 11 or 12 planning and service areas that were designated prior to October 1, 1983 will continue to be designated as planning and service areas until October 1, 1987.

(e) The division will accept requests from planning and service areas that the area will be divided into two new planning and service areas.

(f) Before October 1, 1983, only one request will be approved by the division creating two planning and service areas out of one. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-603 and 53-5-605, MCA; NEW, 1980 MAR p. 1096, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.108 DESIGNATION OF AREA AGENCIES

(1) The division may designate as an area agency in a planning and service area an entity which demonstrates its ability to:

(a) develop and administer an area plan for a comprehensive and coordinated system of services; and

(b) serve as the advocate and focal point for older persons in the planning and service area.

(2) Entity includes but is not limited to:

(a) an established office on aging which operates within the planning and service area;

(b) any office or agency of a unit of general purpose local government;

(c) any combination of offices or units of general purpose local governments; or

(d) any other public or private nonprofit agency, except any regional or local agency of the state. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1096, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.109 DIVISION AGING SERVICES HEARING PROCEDURES

(1) A designated area agency is entitled to a hearing if it is aggrieved by an adverse department determination which:

(a) disapproves a plan or plan amendment submitted by the agency;

(b) disapproves an area plan for failure to comply substantially with the requirements of the act or manual; or

(c) withdraws the agency's designation.

(2) A unit of general purpose local government, district or combination of districts is entitled to a hearing if it is aggrieved by an adverse department action denying designation as a planning and service area.

(3) The hearing will be conducted according to the applicable provisions of ARM 37.5.304, 37.5.305, 37.5.307, 37.5.310, 37.5.311, 37.5.313, 37.5.316, 37.5.318, 37.5.322, 37.5.325, 37.5.328, 37.5.331, 37.5.334 and 37.5.337. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1097, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279; AMD, 2000 MAR p. 1653, Eff. 6/30/00.)

37.41.110 FUNCTIONS OF AREA AGENCY An area agency shall:

- (1) develop and administer an area plan for a comprehensive and coordinated delivery system in a planning and service area;
- (2) assess the kinds and levels of services needed by older persons in the planning and service area;
- (3) enter into subgrants or contracts to provide all services under the plan, except as provided under ARM 37.41.121;
- (4) provide technical assistance, monitor, and quarterly evaluate the performance of all service providers under the plan;
- (5) coordinate the administration of its plan with other federal, state and local resources;
- (6) establish an advisory council as required by ARM 37.41.116;
- (7) assure that older persons in the planning and service area have access to information and referral services;
- (8) divide the entire planning and service area into community service areas and designate community focal points;
- (9) provide outreach efforts to identify older persons and inform them of the availability of services under the plan; and
- (10) develop and publish a manual of methods it uses to establish priorities for services and provide a copy of the manual to each service provider in the planning and service area. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1097, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Rules 11 through 15 reserved

37.41.116 AREA AGENCY ADVISORY COUNCIL (1) An area agency shall establish an advisory council to advise the agency in:

- (a) development and administration of the area plan;
- (b) conducting public hearings;
- (c) representing the interests of older persons; and
- (d) reviewing and commenting on all community policies and programs which affect older persons.

(2) The advisory council shall be made-up of:

- (a) interested citizens, more than 50 percent of whom are older persons; and
- (b) local elected officials.

(3) The agency may use the advisory council to advise it in carrying out any of its functions.

(4) The area agency shall provide staff and assistance to the advisory council. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1098, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.117 AREA PLAN CONTENT (1) An area plan shall provide for a comprehensive and coordinated delivery system.

(2) An area plan shall demonstrate how the area agency will meet functions required by ARM 37.41.110.

(3) An area plan shall provide that:

- (a) services are provided as provided in ARM 37.41.120;
- (b) any existing state and local licensure requirements for the provision of services are met.

(4) An area plan shall provide that an adequate amount of the area agency's allotment for supportive services shall be spent for access services, in-home services, and legal services, excluding amounts for administration.

(5) An area plan shall specify:

- (a) program objectives to implement all requirements regarding delivery of services;

- (b) objectives established by the division;

- (c) a resource allocation plan indicating the proposed use of all funds directly administered by the area agency;

- (d) an inventory of programs operated by other agencies in the planning and service area for services to older persons;

- (e) a description of community services areas and an identification of community focal points; and

- (f) methods the area agency uses to set services priorities. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1098, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.118 AREA PLAN REVIEW The area agency shall:

- (1) hold a public hearing on the area plan and any amendments to the area plan;
- (2) give at least 14 days notice to older persons, public officials and other interested parties of the times, dates, and locations of the public hearings; and
- (3) submit the area plan and amendments to:
 - (a) the area advisory council for review and comment;
 - (b) the state grant clearinghouse in the governor's office of budget and program planning for review and comment;
 - (c) the division for approval. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1098, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.119 AREA PLAN, APPROVAL/DISAPPROVAL (1) The division shall approve an area plan or amendments which meet the requirements of the act.

(2) The division shall follow the procedures in ARM 37.41.109 to terminate an area plan or area agency designation if the division:

- (a) finds that an area plan is unapprovable;
- (b) proposes to terminate the designation of an area agency; or
- (c) finds that the provisions or administration of an approved area plan no longer substantially comply with the requirements of the act. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1099, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.120 AREA PLAN, AMENDMENT/DEVELOPMENT An area agency shall:

- (1) amend the area plan if:
 - (a) a new or amended state or federal statute or regulation requires a new provision or conflicts with any existing plan provision;
 - (b) local law, organization, policy or agency operation changes and is no longer accurately reflected in the area plan;
 - (c) the area agency proposes to add, change, or delete any area plan provisions; or,
 - (d) the division requires further annual amendments;
- (2) receive subgrants or contracts only under an approved area plan; and
- (3) use its subgrants or contracts only for activities under an approved area plan. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1099, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.121 DIRECT PROVISION OF SERVICES BY AN AREA AGENCY

- (1) The area agency shall use subgrants or contracts with service providers to provide all services under the act unless the division decides that direct provision of a service by the area agency is necessary to assure an adequate supply of the service.
- (2) The area agency may directly provide information and referral, outreach, advocacy, program development, coordination, individual needs assessment and case management services if the division decides that the area agency can perform the services more effectively and efficiently than any other agency in the planning and service area.
- (3) For all other services funded under the act, the division may allow the area agency to directly provide services in the planning and service area if no other agency can and will provide the service.
- (4) The area agency may plan, coordinate and provide services funded under other programs if:
 - (a) it does not use funds under the act for those services; and
 - (b) it continues to meet all its area agency responsibilities. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1099, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.122 AREA AGENCY, FUNDS TERMINATION The division shall withhold further payments to an area agency when the division, after notice and opportunity for a hearing required in ARM 37.41.109, finds that:

(1) the area agency does not meet the requirements of the act;

(2) the area plan or plan amendment is not approvable; or,

(3) there is failure in the provisions or administration of an approved area plan to comply with any provision of the act. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1100, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Rules 23 through 29 reserved

37.41.130 SERVICE CONTINUATION BY DIVISION (1) If the division terminates funding under ARM 37.41.122, it shall:

- (a) notify the administration on aging;
- (b) provide a plan for the continuity of services in the planning and service area; and
- (c) designate a new area agency in the planning and service area.

(2) The division may, for a period up to 180 days after its final notice to withdraw designation of an area agency:

- (a) perform the responsibilities of the area agency; and
- (b) assign the responsibilities of the area agency to another agency in the planning and service area. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1100, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.131 CONTRIBUTIONS FOR SERVICES (1) The area agency shall require each service provider under the area plan to:

- (a) give each older person who receives a service information about the cost of the service;
- (b) give each older person an opportunity to contribute to part or all of the cost of the service;
- (c) inform each older person that he may decide freely whether or not to contribute and how much;
- (d) protect the privacy of each older person with respect to his contribution;
- (e) have procedures to safeguard and account for all contributions;
- (f) use all contributions to expand the services of the provider under the act; and
- (g) use all contributions for nutrition services to increase the number of meals served.

(2) The area agency shall permit each service provider to develop a contribution schedule for services based on:

- (a) the income ranges of older persons in the community; and
- (b) the provider's other sources of income.

(3) The area agency may not allow any service provider to deny an older person a service because the older person would not contribute for the service. (History: Sec. 53-5-606, MCA; IMP, Sec. 53-5-602 and 53-5-604, MCA; NEW, 1980 MAR p. 1100, Eff. 3/28/80; READOPT, 1983 MAR p. 740, Eff. 7/1/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.132 PROVISION OF CONGREGATE NUTRITION SERVICES

(1) An area agency may award nutrition services funds only to a nutrition services provider which:

- (a) provides congregate nutrition services;
- (b) provides home delivered nutrition services directly or by contract;
- (c) agrees to coordinate its activities with, and provide some meals at, the community focal point; and
- (d) meets the relevant requirements of ARM 37.41.301 through 37.41.306.

(2) An area agency shall award funds to a nutrition services provider which has carried out its nutrition services activities with demonstrated effectiveness. (History: Sec. 53-2-205 and 53-5-205, MCA; IMP, Sec. 53-2-205 and 53-5-203, MCA; NEW, 1980 MAR p. 1101, Eff. 3/28/80; AMD, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.133 FOOD DISTRIBUTION RATIOS (1) The division shall distribute all food, cash or a combination of food and cash received from the United States department of agriculture through area agencies to nutrition service providers based on each provider's proportion of the total number of meals served in the state under the Older Americans Act. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Subchapter 2 reserved

Subchapter 3

Nutrition Services

37.41.301 NUTRITION SERVICES, ELIGIBILITY

(1) Eligibility for congregate nutrition services will be determined as follows:

(a) a person will be considered for eligibility if a member of one of the following categories:

(i) a person aged 60 years or older;

(ii) the spouse of a person aged 60 years or older regardless of that spouse's age;

(iii) a handicapped or disabled non-elderly person residing in a housing facility occupied primarily by elderly persons and at which congregate nutrition services are provided; or

(iv) a person providing volunteer services to a congregate nutrition service provider during meal hours.

(b) a nutrition provider, in accordance with the criteria in (a) and standard procedures adopted by the provider to govern enrollment in the services, will determine who will be recipients of that provider's services. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.302 NUTRITION SERVICES, DEFINITIONS

(1) "Congregate meals" means those meals served in a group setting at a selected site that has the seating and dining furniture necessary for service of meals family style, restaurant style or cafeteria style.

(2) "Home delivered meals" means those meals transported from a preparation site to persons in their residences and is inclusive of those programs commonly known as meals on wheels.

(3) "Nutrition service provider" means a non-profit corporation or public agency providing, on a regular basis, congregate or home delivered meals to elderly or other adult persons who, due to age, handicaps, etc., are unable to provide themselves with regular meals. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Rules 03 through 05 reserved

37.41.306 NUTRITION SERVICES, FOOD REQUIREMENTS (1) The nutrition service provider shall ensure that:

(a) procedures are used which preserve nutritional value and food safety in the purchase and preparation of food and delivery of meals;

(b) appropriate food containers and necessary utensils are used for blind and handicapped persons;

(c) no food prepared or canned in the home way may be used in meals provided by providers. Only commercially processed, canned food may be used;

(d) hot transported food be at 140° F or above from time of final food preparation to completion of serving;

(e) cold food be maintained at 45° F or below from time of initial service to completion of service; and

(f) all food transported to sites is considered "leftover", except unopened pre-packaged food, and food remaining at the meal site or main food preparation center be thrown away.

(2) Vitamins and/or mineral supplements shall not be provided by the nutrition service provider.

(3) Each meal served by the service provider shall contain at least one-third of the current recommended dietary allowance as established by the food and nutrition board of the national academy of sciences, national research council. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.307 NUTRITION SERVICES, GENERAL PROVIDER REQUIREMENTS (1) A nutrition service provider shall:

(a) accept and use any United States department of agriculture food made available to it;

(b) assure arrangement for the appropriate transportation, storage and use of the food;

(c) assist older persons to take advantage of benefits available to them under the food stamp program;

(d) coordinate its activities with agencies responsible for administering the food stamp program;

(e) comply with all state and local sanitation and safety regulations applicable to food preparation, delivery, and serving; and

(f) provide persons with nutrition education information that promotes improved food selection, better eating habits and other health and nutrition related practices.

(2) If a nutrition service provider receives United States department of agriculture cash, the cash shall be spent only for buying food.

(3) Special meals for any persons who have health, religious or ethnic dietary needs shall be provided by the nutrition service provider unless the department exempts the provider from this requirement. Such exemption may be granted only when the foods and skills to provide a special diet are unavailable to the provider. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

37.41.308 CONGREGATE NUTRITION SERVICES, PROVIDER

REQUIREMENTS (1) The nutrition service provider shall provide:

(a) a hot or other appropriate meal in a congregate setting at least once a day, 5 or more days a week;

(b) services as close as possible to the majority of eligible older persons;

(c) preference to community facilities when locating a congregate site;

(d) to all staff working in the preparation of food, supervision by a person who will ensure the application of hygiene techniques and practices in food handling preparation and service;

(e) training by qualified personnel in sanitation, food preparation, and portion control for all paid and volunteer staff who prepare, handle and serve food;

(f) at least semi-annual review of the menus used and when the menus are completely changed by a registered dietitian, to assure that compliance with ARM 37.41.306(3) is met. It is recommended that a cycle menu be used to assure such compliance;

(g) that development and analysis of menus be the responsibility of a qualified dietitian/nutritionist; and

(h) that menus and menu analyses be maintained for audit purposes on file for 3 years. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)

Rules 09 through 14 reserved

37.41.315 HOME DELIVERED NUTRITION SERVICES, PROVIDER REQUIREMENTS (1) Nutrition service providers who provide home delivered meals shall:

(a) provide for home delivered meals at least once a day, 5 or more days a week;

(b) provide meals with a satisfactory storage life;

(c) with the consent of the older person, or his representative, bring to the attention of appropriate officials for follow-up, conditions or circumstances which place the older person or the household in imminent danger;

(d) where feasible and appropriate, make arrangements for the availability of meals to older persons in weather-related emergencies; and

(e) make at least an annual written evaluation of each recipient in order to re-evaluate the need for the continuation of home delivered meals. (History: Sec. 53-2-201 and 53-6-402, MCA; IMP, Sec. 53-2-201 and 53-6-402, MCA; NEW, 1983 MAR p. 863, Eff. 7/15/83; TRANS, from Dept. of SRS, 1987 MAR p. 1492, Eff. 7/1/87; TRANS, from DFS, 1998 MAR p. 2279.)